

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE OUTPATIENT MEDICAL
CENTER EMPLOYEE ANTITRUST
LITIGATION

Civil Action No. 1:21-cv-00305

Honorable Andrea R. Wood
Honorable Sunil R. Harjani

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND
LACK OF STANDING**

Surgical Care Affiliates, LLC (“SCA”), SCAI Holdings, LLC (“SCAI Holdings”), UnitedHealth Group Incorporated (“United”), DaVita, Inc. (“DaVita”), and Kent Thiry (collectively “Defendants”) hereby move the Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1), for the entry of an order dismissing with prejudice Plaintiffs’ Consolidated Amended Class Action Complaint for failure to state a claim upon which relief may be granted and for lack of standing. The grounds in support of this Motion are set forth in Defendants’ Memorandum in Support of Defendants’ Motion to Dismiss for Failure to State a Claim and Lack of Standing and accompanying exhibits.

Dated: October 18, 2021

Respectfully submitted,

/s/ Daniel E. Laytin

Daniel E. Laytin, P.C.
James H. Mutchnik, P.C.
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000
dlaytin@kirkland.com
jmutchnik@kirkland.com

Catie Ventura
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 389-5000
catie.ventura@kirkland.com

*Attorneys for Defendants Surgical Care
Affiliates, LLC, SCAI Holdings, LLC, and
UnitedHealth Group Incorporated*

/s/ Romeo S. Quinto, Jr.

Romeo S. Quinto, Jr.
Latiera J. Scott-Johnson
MORGAN, LEWIS & BOCKIUS LLP
110 North Wacker Drive
Chicago, IL 60606
Telephone: +1.312.324.1000
Facsimile: +1.312.324.1001
romeo.quinto@morganlewis.com
latiera.rayford@morganlewis.com

Molly Moriarty Lane (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1596
Telephone: +1.415.442.1000
Facsimile: +1.415.442.1001
molly.lane@morganlewis.com

Megan R. Whisler (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
1717 Main Street, Suite 3200
Dallas, TX 75201
Telephone: +1.214.466.4000
Facsimile: +1.214.466.4001
megan.whisler@morganlewis.com

Attorneys for Defendant DaVita Inc.

/s/ Terrence J. Dee

Terrence J. Dee, P.C.
Katharine M. O'Connor
McDERMOTT WILL & EMERY LLP
444 West Lake Street, Suite 4000
Chicago, IL 60606
Telephone: (312) 372-2000
Fax: (312) 984-7700
tdee@mwe.com
koconnor@mwe.com

Justin P. Murphy (*pro hac vice*)
McDERMOTT WILL & EMERY LLP
The McDermott Building
500 N. Capitol Street, NW
Washington, DC 20001
Telephone: (202) 756-8018
jmurphy@mwe.com

Attorneys for Defendant Kent Thiry

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2021, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Daniel E. Laytin

Daniel E. Laytin, P.C.
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000
dlaytin@kirkland.com